

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-14 are pending. Claims 1, 5, and 7 are independent. Claims 1, 5, and 7 have been amended.

There are no formal matters outstanding.

Applicants acknowledge with appreciation that the Official Action indicated that claims 9-10 and 12-14 were directed to allowable subject matter.

The substantive rejections of the last Official Action have been repeated; that is:

Claims 1, 2, and 5-7 stand rejected as anticipated by KIMURA et al. US 2002/0099722 ("KIMURA").

Claims 3, 8, and 11 stand rejected as obvious over KIMURA in view of ARAMAKI et al. (JP 10-144011).

Claim 4 stands rejected as obvious over KIMURA in view of FUKASAWA 6,615,363.

Applicants continue to respectfully disagree as to each rejection. However, the independent claims have been amended to emphasize further differences between the invention and the applied references, in particular KIMURA.

The amendments clearly recite control of the recording device, not only when the recording results are confirmed to be successful, but also when the recording results are confirmed to be unsuccessful.

An object of the present invention is to "prevent, when an error occurs in the recorded information, not only the information with the error, but also information as previously recorded to be erased". Such an object can be achieved by the features of the present invention recited in our proposed amendment to claims 1, 5 and 7, i.e., by controlling the recording device, only when the recording result is confirmed to be successful, so that content information that is identical with the content information recorded on the first part of the content information recording areas can be recorded on a second part of the content information recording areas, and when the recording results is confirmed to be unsuccessful, so that content information already recorded on the second part of the content information recording areas is maintained, without recording, on the second part of the content information recording areas, the content information that is identical with the content information recorded on the first part of the content information recording areas.

According to the present invention claimed in the amendments to claims 1, 5 and 7, when the recording results are confirmed to be unsuccessful, any content information is disabled from being recoded on the second part of the content information recording areas, thus providing an effect of "prevention of corruption of content information as already recorded".

To the contrary, an object of KIMURA's invention is to "enhance reliability in writing on the same sector". Such an object of KIMURA's invention can be achieved by "performing, when the system has failed in the writing, the same sequence of operations for the other sector (i.e., the same writing operation on the other sector)". Accordingly, KIMURA's invention provides an effect of "enhancing reliability in writing on a new sector".

Therefore, the present invention and KIMURA's invention are quite different from each other in each of object, means to solve the object, and technical function. With respect to the means to solve the object, the same content information is recorded on the second part of the content information recording areas, only when the recording result is confirmed to be successful in the present invention, whereas the same writing operation on the other sector is carried out when a failure in writing occurs in KIMURA's invention. Consequently, it can be said that the subject matter of the present invention is diametrically opposed to the subject matter of KIMURA's invention. Indeed, KIMURA teaches away from the present invention. It should especially be noted that the patentable features reside not only in "confirming" the recording result, but also in the subsequent processing, i.e., the control of the recording device.

As is clear from the foregoing, KIMURA neither discloses nor suggests the subject matter of the present

invention claimed in the amendment in claims 1, 5 and 7.
Therefore, the claims are believed patentable over KIMURA.

In summary, each of the independent claims is believed allowable and the dependent claims are believed allowable at least for depending from an allowable claim.

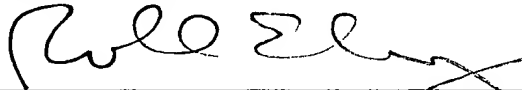
Applicants respectfully request that the pending claims be reconsidered and allowance of the case be indicated.

Should there be any formal matters, it is requested that the undersigned attorney be contacted so that these can be quickly resolved and the case passed to allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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